

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RAFAEL A. MALDONADO GONZALEZ,
Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,
Defendants.

CIVIL NO. 07-1910 (FAB)

MEMORANDUM AND ORDER

BESOSA, District Judge.

A District Court may refer pending dispositive motions to a Magistrate Judge for a report and recommendation. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b); Loc. Rule 72(a). Any party adversely affected by the report and recommendation may file written objections within ten days of being served with the Magistrate Judge's report. See 28 U.S.C. § 636(b)(1). A party that files a timely objection is entitled to a *de novo* determination of "those portions of the report or specified proposed findings or recommendations to which specific objection is made." Sylva v. Culebra Dive Shop, 389 F. Supp.2d 189, 191-92 (D.P.R. 2005) (citing United States v. Raddatz, 447 U.S. 667, 673 (1980)). Failure to comply with this rule precludes further review. See Davet v. Maccorone, 973 F.2d 22, 30-31 (1st Cir. 1992). In conducting its review, the Court is free to "accept, reject, or modify, in whole or in part, the findings or

Civil No. 07-1910 (FAB)

2

recommendations made by the Magistrate Judge.” 28 U.S.C. § 636 (a)(b)(1). Templeman v. Cris Craft Corp., 770 F.2d 245, 247 (1st Cir. 1985); Alamo Rodriguez v. Pfizer Pharmaceuticals, Inc., 286 F.Supp.2d 144, 146 (D.P.R. 2003). Furthermore, the Court may accept those parts of the report and recommendation to which the parties do not object. See Hernandez-Mejias v. General Elec., 428 F.Supp.2d 4, 6 (D.P.R. 2005) (citing Lacedra v. Donald W. Wyatt Detention Facility, 334 F. Supp.2d 114,125-126 (D.R.I. 2004)).

On May 23, 2008, the United States Magistrate Judge issued a Report and Recommendation, recommending that the Commissioner’s decision be **AFFIRMED**. (Docket No. 17) The Magistrate Judge’s Report and Recommendation contained a warning that failure to make specific objections would result in waiver. (Id., p. 9)

On June 5, 2008, plaintiff Rafael A. Maldonado filed an “Opposition to Magistrate Judge’s Report and Recommendation”. (Docket No. 18). In his two pages Motion in Opposition, devoid of any **specific objection** to any part of the Report and Recommendation, Maldonado asserts that “. . . the facts clearly establish that the medical evidence as well as the claimant’s allegations were such that he should have been granted disability benefits in accordance with the evidence of record.” (Id., p. 1)

Civil No. 07-1910 (FAB)

3

Therefore, Plaintiff has failed to satisfy the procedural requirements of Fed.R.Civ.P. 72(b) and Local Rule 72(d) by not addressing the specific portions of the Report and Recommendation that he is now "objecting" to. Thus, he failed to identify any issue for this court to consider and has further waived his right to appellate review.

The court's review of the record finds no clear error of law or fact in Magistrate Judge's Report and Recommendation. Accordingly, the Court **ADOPTS** the Magistrate Judge's findings and recommendations as the opinion of this court. Velez Padro v. Thermo King de Puerto Rico, Inc., 465 F.3d 31, 32 (1st Cir. 2006) "Conclusory objections that do not direct the reviewing court to the issues in controversy do not comply with Rule 72(b)." (internal citations omitted); see also U.S. v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008)

Accordingly, the Commissioner's decision is **AFFIRMED**. This case is hereby **DISMISSED**. Judgment shall enter accordingly.

IT IS SO ORDERED.

San Juan, Puerto Rico, August 25, 2008.

s/ Francisco A. Besosa
FRANCISCO A. BESOSA
UNITED STATES DISTRICT JUDGE